

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF ADOPTING)
GUIDELINES REGARDING THE)
HOLDING OF SPECIAL EVENTS)
IN LANCASTER COUNTY)

RESOLUTION NO 4377

WHEREAS, § 39-1402 R.R.S. 1943 (Reissue 1984) provides that the general supervision and control of the public roads within Lancaster County, Nebraska (the "County"), is vested in the Board of County Commissioners of Lancaster County, Nebraska (the "Board"); and

WHEREAS, from time to time the Board receives requests from various organizations to hold a Special Event on a public road in the County or within the County's right-of-way (Special Events include but are not limited to parades, runs and walkathons); and

WHEREAS, the Board wishes to assist such organizations and provide uniform guidelines in order to facilitate such Special Events while at the same time protecting the interests of the County.

NOW, THEREFORE, BE IT RESOLVED, by the Board, that the General Requirements of Applicant for Filing and Application for Special Events Permit in Lancaster County, Nebraska, attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby adopted for use in Lancaster County, Nebraska.

AND BE IT FURTHER RESOLVED, that the Lancaster County Clerk is directed to maintain copies of said Guidelines on file in his/her office and provide the same to an Applicant upon request.

DATED this 24th day of May, 1988, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

/s/Leo Scherer

/s/ Larry Hudkins

/s/ Jan Gauger

Marcia Malone voted no

Kathy Campbell was absent

GENERAL REQUIREMENTS OF APPLICANT FOR FILING AN APPLICATION FOR "SPECIAL EVENTS" PERMIT IN LANCASTER COUNTY, NEBRASKA

The following is intended to inform the Applicant of the costs and general regulations which are associated with the granting of a "Special Events" Permit (the "Permit") in Lancaster County, Nebraska (the "County"). "Special Events" include but are not limited to activities which are open to public participation, such as parades, runs, and walkathons which occur in the public right-of-way, which in most instances may be defined as the road and/or sidewalk. Events which occur in part or in whole within areas not under the County's control, such as private property, state parks, or within the corporate limits of any village or city, require permission from the appropriate owner or agency.

The following are items the Applicant is responsible for, or information which will be needed to receive the Permit:

APPLICATION:

The application, including a detailed map of the route to be used and the locations of "Special Events" marshals and/or monitors must be submitted to the County Clerk a minimum of three (3) weeks prior to the scheduled date of the event. The Application should include an alternative date, should unforeseen or emergency conditions prevent the use of the scheduled date.

INSURANCE:

The applicant must provide the County with proof of insurance of the following types and coverage amounts:

A. Public Liability Insurance

1. The Applicant shall take out and maintain during the life of this Permit, Public Liability Insurance, naming and protecting the Applicant and the County against claims for damages resulting from (a) bodily injury including wrongful death, and (b) property damage which may arise from operations under the Permit whether such operations be by the Applicant of anyone directly or indirectly employed by the Applicant. The minimum acceptable limits of liability to be provided by such insurance shall be as follows:

| | |
|----------------------------|--|
| (a) Bodily Injury Limits | \$500,000 Each Occurrence \$550,000 Aggregate |
| (b) Property Damage Limits | \$300,000 Each Occurrence \$300,000 Aggregate |

2. The Public Liability Insurance required by the preceding paragraph shall include the following extensions of coverage:

(a) The coverage shall be provided under a Comprehensive General Liability form of policy or similar thereto.

(b) The property damage coverage shall include a Broad Form Property Damage Endorsement.

B. Automobile Liability Insurance

The Applicant shall take out and maintain during the life of the Permit such Automobile Liability Insurance as shall protect the Applicant against claims for damages resulting from (a) bodily injury, including wrongful death, and (b) property damage which may arise from the operations of any owned, hired, or now-owned automobiles used by or for the Applicant in any capacity in connection with the carrying out of the Permit. The minimum acceptable limits of liability to be provided by such Automobile Liability Insurance shall be as follows:

| | |
|--|---|
| (a) Bodily Injury Limits | \$ 500,000 Each Person \$1,000,000 Each Occurrence |
| (b) Property Damage Limits | \$ 250,000 Each Occurrence |
| | OR |
| Combined Single Limit (Bodily Injury and Property Damage) | \$1,000,000 Each Occurrence |

C. Liquor Liability Insurance

If the Applicant has been granted a special designated permit to sell alcoholic beverages in conjunction with its "Special Event", Applicant shall take out and maintain a host liquor liability insurance policy protecting the County against claims for damages from bodily injury, including wrongful death; personal injury liability; and property damage. The minimum acceptable limits of liability to be provided by such insurance shall be as follows:

\$1,000,000 Each Occurrence
\$5,000,000 Aggregate

D. Certificate of Insurance

The Applicant shall furnish the County with a certificate of insurance evidencing policies required in Paragraphs A, B and C (if applicable) above. Such certificates shall specifically indicate that the Public Liability Insurance includes all extensions of coverage required in Paragraph A, Subparagraph 2, above. Such certificate shall specifically state that insurance policies shall give the County at least thirty (30) days written notice in the event of cancellation of or material change in any of the policies.

EXPENSES

The Applicant shall be responsible for reimbursing the County for the following expenses, if the same are incurred in conjunction with the "Special Event" for which the Permit is requested:

- A. County Engineering Department: If equipment is borrowed from the County Engineering Department the Applicant is responsible for picking up and returning said equipment. Any damaged equipment shall be replaced by the Applicant at their cost. For purposes of this paragraph, the term "equipment" shall include but not be limited to traffic control devices such as barricades, cones, and signs.
- B. County Sheriff Department: Labor charges for deputies used to assist with traffic control will be at 1 ½ times the regular hourly rate with a 2-hour minimum per deputy hired. The number of deputies needed will be determined by the County Sheriff's Department.
- C. Estimates of the costs involved in paragraph B will be prepared by the County Sheriff's Department for the benefit of the Applicant.

ROUTE APPROVAL

All routes, dates and times of "Special Events" are subject to approval by the County Engineering, Lincoln-Lancaster County Health and Sheriff Departments. Factors which shall be considered include but are not limited to:

- A. Heavy traffic periods, i.e. 7:00 a.m. to 9:00 a.m., 11:30 a.m. to 1:30 p.m. and 4:00 p.m. to 6:00 p.m., Mondays thru Fridays.
- B. Other scheduled events (for example University of Nebraska home football games, etc.).
- C. The safety of participants, the driving public, and traffic control and operations.

CANCELLATION OR POSTPONEMENT

Notification to the County of the cancellation of a "Special Event" shall be made by the Applicant as soon as possible, however, not later than the day preceding the scheduled date. If such notification is not received at least the day preceding the scheduled date, the Applicant may still be liable for any labor or materials cost incurred by the County. Postponement of the "Special Event" to the alternative date, if such an alternate date was indicated in the Application, or up to a maximum of one (1) hour later than the scheduled start time is allowed providing unforeseen or emergency conditions exist supporting such postponement. Unforeseen or emergency conditions, include but are not limited to weather conditions, road conditions, and accidents.

HOLD HARMLESS AGREEMENT

The Applicant shall execute a Hold Harmless Agreement in such a form as provided by the County. Further, the Applicant will name the County as an additional party protected under any hold harmless agreement the Applicant requires the participants of the "Special Event" to execute.

APPLICATION FOR SPECIAL EVENTS PERMIT

Application must be received by the County Clerk a minimum of three (3) weeks prior to event.

PLEASE READ COVER LETTER LISTING GENERAL REQUIREMENTS OF APPLICANT AND ALSO SIGN THE "HOLD HARMLESS" AGREEMENT PRIOR TO COMPLETING APPLICATION.

Name of Organization: _____

Address: _____ Phone No.: _____

Purpose of Event: _____

Planned Route (Describe in detail and attach map): _____

Date & Time of Event: _____ Alternate Date & Time: _____

Expected Number of Persons: _____

Will event be in the sidewalk space or roads: _____

(Indicate which or if both)

Do you desire sheriff escort: _____

Length of time event will last: _____

The applicant agrees to pay all costs incurred by Lancaster County, Nebraska.

Signature of applicant: _____

County Board approval: _____

Estimate of Costs: \$ _____

Comments: _____

File with: County Clerk, County-City Building, 555 South 10th Street, Lincoln, NE 68508 at least 3 weeks prior to the "Special Event"

If part of the route is within the City limits of Lincoln, please check with the City Clerk's office for any permits required.

HOLD HARMLESS AGREEMENT

Applicant: _____

Special Event: _____

Date of Event: _____

To the fullest extent permitted by law, the applicant shall indemnify and hold harmless Lancaster County, Nebraska (the "County") , and its agents and employees, from and against claims, damages, losses and expenses including but not limited to attorney's fees, arising out of or resulting from the special event listed above, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury or to distribution of tangible property including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent acts or omissions of the applicant or anyone directly or indirectly employed by applicant or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a partly indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnify which would otherwise exist as to a party or person described in the agreement.

In claims against any person or entity indemnified under this agreement by an employee or the applicant or anyone directly or indirectly employed by the applicant or anyone for whose acts they may be liable, the indemnification obligation under this agreement shall not be limited by a limitation on amount or type of damages, compensation or benefits payable by or for the applicant under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts.

Dated this _____ day of _____, _____.

APPLICANT: _____

BY: _____

TITLE OR LEGAL CAPACITY: _____

WITNESS: _____

STATEMENT

DATE: _____

LANCASTER COUNTY, NEBRASKA

SPECIAL EVENTS COST

Special Event: _____

Date of Event: _____

COUNTY ENGINEERING DEPARTMENT COSTS

Materials: \$ _____

Total \$ _____

COUNTY SHERIFF DEPARTMENT COSTS

Deputies: \$ _____

TOTAL COUNTY COSTS \$ _____

Comments:

Please remit payment within 30 days to:

The Lancaster County Clerk, 555 South 10th Street, Lincoln, NE 68508.

Thank you.

LANCASTER COUNTY, NEBRASKA